

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	)	
	)	
vs.	)	Criminal No. 08-167
	)	
LARRY CRANSTON BROOKS,	)	
	)	
Defendant/petitioner.	)	

O R D E R

AND NOW, this 13th day of January, 2014, upon consideration of Defendant's Motion to Proceed on Appeal In Forma Pauperis (document No. 107) filed in the above captioned matter on January 9, 2014,

IT IS HEREBY ORDERED that said Motion is GRANTED.

And, further, upon consideration of Defendant's Motion for Certificate of Appealability (document No. 108) filed in the above captioned matter on January 9, 2014,

IT IS HEREBY ORDERED that said Motion is DENIED. The Court's November 27, 2013 Order dismissing Petitioner's "Motion for Leave to Supplement Motion to Vacate, Set Aside, or Correct Sentence" (document No. 105) was based on the Court's lack of jurisdiction under 28 U.S.C. § 2244 to entertain the merits of Petitioner's motion and did not constitute a "final order" under 28 U.S.C. § 2253(c) since it did not address the merits of any constitutional claims which were raised in Petitioner's motion. Regardless, in any event, the Court finds that Petitioner has failed

to make a substantial showing of the denial of a constitutional right and that the issuance of a Certificate of Appealability therefore would be inappropriate.

s/Alan N. Bloch  
United States District Judge

ecf: Counsel of record

cc: Larry Cranston Brooks, #09959-068  
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